



## COUNCILMEMBER DONNA FRYE

City of San Diego  
Sixth District

### MEMORANDUM

**DATE:** March 2, 2005

**TO:** Tom Fleming, CEO, Data Processing Corp.

**FROM:** Councilmember Donna Frye *Donna Frye*

**SUBJECT:** Procedures Regarding Requests for Information

On February 18, 2005 John Kern, Mayor Murphy's Chief of Staff, sent a memorandum to Tom Fleming, President & CEO of the San Diego Data Processing Corporation requesting the creation of back-up tapes (from January 1, 2000 to the present) relating to the servers that house the Mayor's emails and files. While not explicitly stated, the information requested by Mr. Kern includes all files and emails for not only the Mayor's office, but also all City Council offices.

It is my understanding that DPC has certain procedures in place to respond to information requests from the public, law enforcement agencies, and individuals within the City of San Diego. Please provide to me a report answering the following questions:

- What are DPC's procedures for responding to requests for information regarding City Council files and emails?
- Under what circumstances is attorney-client privileged information stored in City servers released?
- Under what circumstances may City employees such as Mr. Kern have access to information that pertains to someone other than themselves and use it for: a) official city purposes or b) non-official city purposes?

I am also requesting that whenever a request for information is made regarding any emails or files from the Council District Six office, that DPC immediately inform me of the request in writing.

Thank you for your attention to this matter. Your timely response is greatly appreciated.

CC: Honorable Mayor and City Councilmembers  
Michael Aguirre, City Attorney

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